

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government and to make an appropriation.
- 4 Page 74, delete lines 35 through 42.
- 5 Delete page 75.
- 6 Page 78, line 13, after "(4)" insert "(3)".
- 7 Page 78, line 13, reset in roman "IC 12-19-7.5".
- 8 Page 78, line 14, delete "(3)" and insert "(4)".
- 9 Page 146, line 22, reset in roman "county family and".
- 10 Page 146, line 23, reset in roman "children's".
- 11 Page 146, line 23, delete "child welfare".
- 12 Page 146, line 26, reset in roman "family and children's".
- 13 Page 146, line 26, delete "child welfare".
- 14 Page 146, line 28, reset in roman "family and".
- 15 Page 146, line 29, reset in roman "children's".
- 16 Page 146, line 29, delete "child welfare".
- 17 Page 153, delete lines 28 through 42.
- 18 Page 154, delete lines 1 through 24.
- 19 Page 157, line 33, after ";" insert "and".
- 20 Page 157, line 35, delete ";" and insert ".".
- 21 Page 157, delete lines 36 through 38.
- 22 Page 158, line 13, delete "levy," and insert "levy or".
- 23 Page 158, line 14, delete "levy, the county medical assistance" and
- 24 insert "levy".

1 Page 158, delete line 15.

2 Page 158, line 16, delete "needs county fund levy".

3 Page 158, run in lines 14 through 16.

4 Page 159, delete lines 38 through 42, begin a new paragraph and  
5 insert:

6 "SECTION 157. IC 12-19-7-3, AS AMENDED BY P.L.234-2005,  
7 SECTION 56, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A family and children's  
9 fund is established in each county.

10 **(b) The fund county shall be raised by levy a separate tax levy (the**  
11 **county family and children property tax levy) for the fund that:**

12 **(1) is in addition to all other tax levies authorized for the county;**  
13 **and**

14 **(2) shall be levied annually by the county fiscal body on all**  
15 **taxable property in the county. in the amount necessary to raise**  
16 **the part of the fund that the county must raise to pay the items;**  
17 **awards, claims, allowances, assistance, and other expenses set**  
18 **forth in the annual budget under section 6 of this chapter.**

19 **The total tax levy that a county may impose under this section**  
20 **equals the amount determined under section 4 of this chapter.**

21 ~~(b)~~ **(c) The property tax levy imposed under this section shall be**  
22 **collected as other state and county ad valorem property taxes are**  
23 **collected.**

24 ~~(c)~~ **(d) The following shall be paid into the county treasury and**  
25 **constitute the family and children's fund:**

26 **(1) All receipts from the tax imposed under this section.**

27 ~~(2) All grants-in-aid, whether received from the federal~~  
28 ~~government or state government.~~

29 **(2) The:**

30 **(A) financial institutions tax (IC 6-5.5);**

31 **(B) motor vehicle excise taxes (IC 6-6-5);**

32 **(C) commercial vehicle excise tax (IC 6-6-5.5);**

33 **(D) boat excise tax (IC 6-6-11); and**

34 **(E) aircraft excise tax (IC 6-6-6.5);**

35 **that are distributed to the county as a result of the county's**  
36 **share of property taxes imposed for the fund.**

37 **(3) Any other money required by law to be placed in the fund.**

38 ~~(d)~~ **(e) The fund is available for the purpose of paying expenses and**  
39 **obligations set forth in the annual budget that is submitted and**  
40 **approved making a distribution to the state required under section**  
41 **35 of this chapter.**

42 ~~(e)~~ **(f) Money in the fund at the end of a budget year does not revert**  
43 **to the county general fund.**

44 SECTION 158. IC 12-19-7-4, AS AMENDED BY P.L.234-2005,  
45 SECTION 57, IS AMENDED TO READ AS FOLLOWS  
46 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) For taxes first due and  
47 payable in each year after ~~2005~~, **2006**, each county shall impose a

1 county family and children property tax levy equal to the county family  
 2 and children property tax levy necessary to pay the costs of the child  
 3 services of the county for the next fiscal year. result determined in  
 4 STEP TWO of the following formula:

5 STEP ONE: Determine the sum of the following:

6 (1) The result of:

7 (A) the amounts paid by the county in 2002, as  
 8 determined by the state board of accounts, for child  
 9 services or administration of the county office from the  
 10 county family and children's fund, including amounts  
 11 paid for psychiatric residential treatment services; minus

12 (B) the sum of:

13 (i) any grants-in-aid deposited in the county family and  
 14 children's fund in 2002, whether received from the  
 15 federal government or from the state;

16 (ii) any excise tax, income tax, or other revenue not  
 17 derived from property taxes that was deposited in the  
 18 county family and children's fund in 2002; plus

19 (iii) any other amounts received as reimbursements from  
 20 the state (including reimbursements made with federal  
 21 money) and deposited in the county family and children's  
 22 fund in 2002;

23 as adjusted by the department of local government finance  
 24 by using the GDP implicit price inflator, state and local  
 25 subseries, to account for inflation between 2002 and 2006.

26 (2) The result of:

27 (A) the amounts paid by the county in 2003, as  
 28 determined by the state board of accounts, for child  
 29 services or administration of the county office from the  
 30 county family and children's fund, including amounts  
 31 paid for psychiatric residential treatment services; minus

32 (B) the sum of:

33 (i) any grants-in-aid deposited in the county family and  
 34 children's fund in 2003, whether received from the  
 35 federal government or from the state;

36 (ii) any excise tax, income tax, or other revenue not  
 37 derived from property taxes that was deposited in the  
 38 county family and children's fund in 2003; plus

39 (iii) any other amounts received as reimbursements from  
 40 the state (including reimbursements made with federal  
 41 money) and deposited in the county family and children's  
 42 fund in 2003;

43 as adjusted by the department of local government finance  
 44 by using the GDP implicit price inflator, state and local  
 45 subseries, to account for inflation between 2003 and 2006.

46 (3) The result of:

(A) the amounts paid by the county in 2004, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus (B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2004, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2004; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2004;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2004 and 2006.

(4) The result of:

(A) the amounts paid by the county in 2005, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus (B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2005, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2005; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2005;

adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2005 and 2006.

**STEP TWO: Determine the result of the STEP ONE amount divided by four (4).**

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy. ~~and comply with~~ ~~to 6-1.1-17-3.~~ The department of local government finance may increase a county's levy in a year above the amount advertised for

1 the fund to comply with this subsection.

2 SECTION 159. IC 12-19-7-35 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2007]: Sec. 35. (a) Subject to this  
5 section, before the fifth day of each month, all money contained in  
6 a county's fund at the end of the preceding month shall be  
7 transferred to the state family and children's fund established by  
8 IC 31-33-1.5-13.

9 (b) Money deposited in the fund from:

10 (1) property taxes imposed for an assessment date before  
11 January 16, 2006;

12 (2) the proceeds of bonds issued or loans taken out under  
13 IC 12-19-5 (repealed), IC 12-19-7.5, or a predecessor law to  
14 pay an obligation related to child services provided before  
15 January 1, 2007;

16 (3) the:

17 (A) financial institutions tax (IC 6-5.5);

18 (B) motor vehicle excise taxes (IC 6-6-5);

19 (C) commercial vehicle excise tax (IC 6-6-5.5);

20 (D) boat excise tax (IC 6-6-11); and

21 (E) aircraft excise tax (IC 6-6-6.5);

22 that are distributed to the county as a result of the county's  
23 share of property taxes imposed before January 1, 2007, for  
24 the fund; and

25 (4) grants-in-aid, fees collected from a parent, guardian, or  
26 custodian of a child, and other money attributable to child  
27 services provided before January 1, 2007;

28 shall be used by a county to reduce the obligation of the county to  
29 pay for expenditures for child services and any other obligations  
30 that were incurred before January 1, 2007, and payable from the  
31 fund at the time they were incurred.

32 (c) The department of child services, with the approval of the  
33 state board of accounts, shall prescribe procedures and standards  
34 for allocating money in the fund between the purposes described in  
35 subsections (a) and (b). A county shall use money in the fund in  
36 conformity with the procedures and standards prescribed in this  
37 subsection.

38 (d) The part of any outstanding obligation of the fund that was  
39 incurred before January 1, 2007, and exceeds the amount retained  
40 under subsection (b), including the amount needed to repay the  
41 principal and interest on bonds issued under IC 12-19-7-31  
42 (repealed), shall be transferred, after December 31, 2006, from the  
43 fund to the county's debt service fund or another sinking fund. The  
44 county may issue bonds under IC 36-2-6-18 to pay or refund the  
45 obligation. The county shall add to the tax duplicate of the county  
46 an annual levy sufficient to pay:

**(1) the outstanding obligation or bonds issued to pay the outstanding obligation; and**

**(2) any interest due on the outstanding obligation or bonds issued to pay the outstanding obligation.**

SECTION 160. IC 12-19-7.5-5, AS AMENDED BY P.L.234-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A children's psychiatric residential treatment services fund is established in each county.

**(b) The fund county shall be raised by levy a separate tax levy (the county children's psychiatric residential treatment services property tax levy) for the fund that:**

**(1) is in addition to all other tax levies authorized for the county; and**

**(2) shall be levied annually by the county fiscal body on all taxable property in the county; in the amount necessary to raise the part of the fund that the county must raise to pay the items; awards; claims; allowances; assistance; and other expenses set forth in the annual budget under section 8 of this chapter; and**

**(3) is in addition to any other money required by law to be deposited in the fund.**

**The total tax levy that a county may impose under this section equals the amount determined under section 6 of this chapter.**

~~(b)~~ **(c)** The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

~~(c)~~ **(d)** The following shall be paid into the county treasury and constitute the children's psychiatric residential treatment services fund:

**(1) All receipts from the tax imposed under this section.**

~~(2) All grants-in-aid; whether received from the federal government or state government.~~

**(2) The:**

**(A) financial institutions tax (IC 6-5.5);**

**(B) motor vehicle excise tax (IC 6-6-5);**

**(C) commercial vehicle excise taxes (IC 6-6-5.5);**

**(D) boat excise tax (IC 6-6-11); and**

**(E) aircraft excise tax (IC 6-6-6.5);**

**that are distributed to the county as a result of the county's share of property taxes imposed for the fund.**

**(3) Any other money required by law to be placed in the fund.**

~~(d)~~ **(e)** The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved: **making a distribution to the state required under section 34 of this chapter.**

~~(e)~~ **(f)** Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 161. IC 12-19-7.5-6, AS AMENDED BY P.L.234-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) For taxes first due and

payable in each year after 2005, each county shall impose a county children's psychiatric residential treatment services property tax levy equal to the county children's psychiatric residential treatment services property tax levy ~~necessary to pay the costs of children's psychiatric residential treatment services of the county for the next fiscal year imposed for the fund in 2006.~~

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy. **The department of local government finance may increase a county's levy in a year above the amount advertised for the fund to comply with this subsection.**

SECTION 162. IC 12-19-7.5-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 34. (a) Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state family and children's fund established by IC 31-33-1.5-13.**

**(b) Money deposited in the fund from:**

**(1) property taxes imposed for an assessment date before January 16, 2006;**

**(2) the proceeds of bonds issued or loans taken out under IC 12-19-5 (repealed), IC 12-19-7, IC 12-19-7.5, or a predecessor law to pay an obligation related to children's psychiatric residential treatment services provided before January 1, 2007;**

**(3) the:**

**(A) financial institutions tax (IC 6-5.5);**

**(B) motor vehicle excise taxes (IC 6-6-5);**

**(C) commercial vehicle excise tax (IC 6-6-5.5);**

**(D) boat excise tax (IC 6-6-11); and**

**(E) aircraft excise tax (IC 6-6-6.5);**

**that are distributed to the county as a result of the county's share of property taxes imposed before January 1, 2007, for the fund; and**

**(4) grants-in-aid, fees collected from a parent, guardian, or custodian of a child, and other money attributable to children's psychiatric residential treatment services provided before January 1, 2007;**

**shall be used by a county to reduce the obligation of the county to pay for expenditures for children's psychiatric residential treatment services and any other obligations that were incurred before January 1, 2007, and payable from the fund at the time they were incurred.**

**(c) The department of child services, with the approval of the**

1 state board of accounts, shall prescribe procedures and standards  
 2 for allocating money in the fund between the purposes described in  
 3 subsections (a) and (b). A county shall account for and use money  
 4 in the fund in conformity with the procedures and standards  
 5 prescribed in this subsection.

6 (d) The part of any outstanding obligation of the fund that was  
 7 incurred before January 1, 2007, and exceeds the amount retained  
 8 under subsection (b), including the amount needed to repay the  
 9 principal and interest on bonds issued under IC 12-19-7.5-30  
 10 (repealed), shall be transferred, after December 31, 2006, from the  
 11 fund to the county's debt service fund or another sinking fund. The  
 12 county may issue bonds under IC 36-2-6-18 to pay or refund the  
 13 obligation. The county shall add to the tax duplicate of the county  
 14 an annual levy sufficient to pay:

15 (1) the outstanding obligation or bonds issued to pay the  
 16 outstanding obligation; and

17 (2) any interest due on the outstanding obligation or bonds  
 18 issued to pay the outstanding obligation.".

19 Delete pages 160 through 166.

20 Page 167, delete lines 1 through 6.

21 Page 185, delete lines 5 through 8, begin a new paragraph and insert:

22 "SECTION 188. IC 31-9-2-120.4 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JANUARY 1, 2007]: Sec. 120.4. "State fund" refers  
 25 to the state family and children's fund established by  
 26 IC 31-33-1.5-13.".

27 Page 187, delete lines 5 through 42, begin a new paragraph and  
 28 insert:

29 "SECTION 193. IC 31-33-1.5-13 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) The state family and  
 32 children's fund is established. The department shall administer the  
 33 fund.

34 (b) The state fund consists of the following:

35 (1) The money transferred to the state fund from each of the  
 36 county's family and children's funds under IC 12-19-7-35.

37 (2) The money transferred to the state fund from each of the  
 38 county's children's psychiatric residential treatment services  
 39 fund under IC 12-19-7.5-34.

40 (3) Any fees or costs paid to the state by a child's parent or  
 41 guardian under a support order or reimbursement order  
 42 under IC 31-40-1.

43 (4) Any contributions to the state fund from individuals,  
 44 corporations, foundations, or others for the purpose of  
 45 providing child services.

46 (5) Any appropriations made to the state fund by the general



assembly. However, this section does not obligate the general assembly to appropriate money to the state fund.

(6) Any TANF program (as defined in IC 12-7-2-189.8), Medicaid program (as defined in IC 12-7-2-128), or other grants that are received from the federal government and deposited in the state fund.

(7) Any other money required by law to be deposited in the fund.

(c) The department of child services shall pay the following from the state fund:

(1) Expenses and obligations incurred by the department of child services in the payment of child services for children adjudicated to be:

(A) children in need of services; or

(B) delinquent children;

and other related services, but not including the payment of TANF.

(2) Expenses and obligations incurred by the department in the payment of children's psychiatric residential treatment services for children who are residents of Indiana.

(3) Any other expenditures for services described in section 7 of this chapter or a procurement contract described in section 10 of this chapter.

(4) Any expense of the type that was payable from a county family and children's fund or children's psychiatric residential treatment services fund before January 1, 2007.

(5) Any other expense or obligation that is required to be paid from the state fund by law.

(d) The department may use money in the fund to settle the relative obligations of a county and the department of child services for services provided before January 1, 2007.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) If an insufficient amount in the fund is available to pay the expenditures payable from the fund, the remainder of the expenditures payable from the fund shall be paid from the state general fund. The state may, as determined by the budget agency, carry out this subsection by a direct charge to the state general fund or by transferring an appropriate amount from the state general fund to the state fund for expenditure from the state fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 188, delete lines 1 through 24.

Page 209, line 41, reset in roman "family and children's".

Page 209, line 41, delete "child welfare".

- 1 Page 210, line 41, delete "child welfare" and insert **"family and**
  - 2 **children's"**.
  - 3 Page 211, line 14, delete "child welfare" and insert **"family and**
  - 4 **children's"**.
  - 5 Page 213, line 21, reset in roman "family".
  - 6 Page 213, line 22, reset in roman "and children's".
  - 7 Page 213, line 22, delete "child welfare".
  - 8 Page 214, line 35, reset in roman "family and children's".
  - 9 Page 214, line 35, delete "county child welfare".
  - 10 Page 214, line 39, delete "child welfare" and insert **"family and**
  - 11 **children's"**.
  - 12 Page 214, line 42, reset in roman "family and children's".
  - 13 Page 214, line 42, delete "child".
  - 14 Page 215, line 1, delete "welfare".
  - 15 Page 215, line 6, delete "child welfare" and insert **"family and**
  - 16 **children's"**.
  - 17 Page 254, line 32, delete "IC 12-13-8; IC 12-13-9;".
  - 18 Page 254, line 39, delete "IC 12-19-7.5-2; IC 12-19-7.5-5;".
  - 19 Page 254, line 40, delete "IC 12-19-7.5-6;".
  - 20 Page 255, line 4, delete "IC 15-5-10; IC 16-35-3;" and insert "IC
  - 21 15-5-10."
  - 22 Page 255, delete line 5.
  - 23 Page 257, delete line 42, begin a new paragraph and insert:
  - 24 **"(f) The balance of the state family and children's fund**
  - 25 **established by this act is appropriated to the department of child**
  - 26 **services for the purposes of the state family and children's fund**
  - 27 **beginning January 1, 2007, and ending June 30, 2007. There is**
  - 28 **appropriated the amount required under IC 31-33-1.5-13, as added**
  - 29 **by this act, to be transferred from the state general fund to the**
  - 30 **state family and children's fund from the state general fund for the**
  - 31 **purposes of the state family and children's fund beginning January**
  - 32 **1, 2007, and ending June 30, 2007."**
  - 33 Page 258, delete lines 1 through 10.
  - 34 Renumber all SECTIONS consecutively.
- (Reference is to HB 1001 as printed January 18, 2006.)

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Representative Orentlicher